

1954

April 14

Mr. Ralph H. Humphrey  
 Personnel Analyst  
 Personnel Division  
 State House

Dear Mr. Humphrey:

You have asked what the term "moral turpitude" is used in Personnel Rules, section 6, means.

Crimes per se, generally speaking, involve moral turpitude while crimes malum prohibitum are generally crimes which do not involve moral turpitude.

Moral turpitude has a definite meaning, including the commission of an act which is opposed to the private and social notion which is the accepted and customary rule of right and duty between man and man. Considering then the referenced above to per se, this term indicates acts which are inherently wicked, such as robbery, arson, murder, manslaughter, rape, or theft, conspiracy, kidnapping, perjury, obscenity, seduction, fraud, larceny, keeping disorderly house and so forth. Malum prohibitum is a crime to which wrong is imputed only because lawmakers have placed them in a forbidden category, but not otherwise wrong. In this category we find hunting without a license, failure to stop at a stop sign, failure to obtain a dog license, simple speeding, i.e. 35 mph in a 25 mph zone, etc.

I hope that the above may be sufficient to enable you to determine "who has been convicted of a crime involving moral turpitude." Granted, however, the key word to that phrase may be "convicted."

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Very truly yours,

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CONCORD, N.H.

Arthur T. Dean, Jr.,  
 Assistant Attorney General

ATT:MM